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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,763	11/27/2001	Mary Ann Caneba		7470

7590 08/17/2004

MARY ANN N. CANEBA  
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HOUGHTON, MI 49931

EXAMINER

KOVACS, ARPAD F

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,763

Applicant(s)

CANEBA, MARY ANN

Examiner

Árpád Fábián Kovács

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 57-61, 81-99 and 106-116 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 57-61, 81-99, 106-116 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

In view of Applicant's amendment and addition of new claims, Examiner is vacates the original restriction, in order to better reflect the restriction matters.

In reviewing the disclosure there were 63 (sixty three) different embodiments, species, and/or in some cases could be interpreted as elements may or many not be required to only be applicable for rakes, but also could be used on substantially different device.

The embodiments are as follows: #1: fig 1-A, B, C, D1, D2, D3; #2: fig 1-A'; #3: fig 2-A, B, C; #4: fig 3-A, B, C; #5: fig 4-A, B, C; #6: fig 5-A, B, B', C, C'; #7: fig 6-A, BL, BR, CL, CR; #8: 6-CR', CL'; #9: fig 7-R, L, fig-8, fig 9-R, L; #10: fig 9-A, R', L'; #11: fig 10-A, B, C; #12: fig 11-A, B; #13: fig 12-A, B, C; #14: 13-A, BL, BR; #15: 13-C, C', D, D'; #16: fig 14-A, B; #17: fig 15-A, B; #18: fig 16-A, B; #19: fig 16-A', B'; #20: fig 17-A, B; #21: fig 18-A, B; #22: fig 19-A, B; #23: fig 20-A, B; #24: fig 21-A, B; #25: fig 22; #26: fig 23; #27: fig 24-A, B, B'; #28: fig

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24-C; #28: fig 25-A, B; #29: fig 26-A, B; #30: fig 27-A, B;  
#31: fig 28-A, B; #32: fig 29; #33: fig 30; #34: fig 31;  
#35: fig 32-A; #36: fig 32-B; #37: fig 33-A, B, C; #38: fig  
34-A, BR, BL; #39: fig 35-R, L; #40: fig 36-A, B, C; #41: fig  
37-A, B, C; #42: fig 38-A, BR, BL; #43: fig 39-A, B, C1, C2;  
#44: fig 40-A, B, C; #45: fig 41-A, B1, B2, B3; #46: fig 42-A,  
A', B, B', C; #47: fig 43-A, B, C; #48: fig 44-A, B, C, D; #49:  
fig 45-A, B, fig 46-A, B, fig 47-A, B; #50: fig 48-A, B; #51: fig  
49-A, B; #52: fig 50-A, B; #53: fig 51-A, B, fig 52; #54: fig  
54-A, B, C, D, fig 55; #55: fig 56, 58, 59-A, B, C, D; #56: fig  
57; #57: fig 60-a, B, C, D; #58: fig 61-A, B; #59: fig 62-A,  
B, C, D, fig 63-A, B; #60: fig 64-A, B, C, D, fig 65-A, B; #61:  
fig 66-A, B, C, D, fig 67-A, B, fig 68-A, B; #62: fig 69-A, B, C, D,  
fig 70; #63: fig 71, 72-A, B, C, D.

In addition to the new and generic claim 111, other independent claims found to be one of the species numbered and figures provided above, the species are as follows: claim 57 of #7; claim 81 of #1; claim 88 of #14; claim 95 of #13; claim 99: #3; while, again, claim 111 appears to be generic.

Applicant is required to make an election of one species to be examined on the merit.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 111 generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. This application contains claims 57-61, 81-99, 106-116 drawn to an invention nonelected with traverse in Paper No. dated 6/23/2004. A complete reply to the final

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rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Response to Amendment***

3. The reply filed on 6/23/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): fails to make an election, instead provided substantial amendment to the claims, which necessitated the restriction requirement outlined above. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

***Response to Arguments***

4. Applicant's arguments with respect to claims 57-61, 81-99, new claims 106-116 have been considered but are moot in view of the new restriction requirement required to better reflect amendments made to the claims and including the new claims submitted for consideration.

5. Examiner has provided a groupings, species of the Applicant invention, most of them illustrating different embodiments, species of the rake, or different embodiments, species of assembly parts. It is noted that the current application only refers to some of them, however still the Applicant should select only one species as outlined in greater detail above.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 703-308-5897. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308 3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Árpád Fábián Kovács  
Primary Examiner  
Art Unit 3671

ÁFK